

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**SLEP-TONE ENTERTAINMENT
CORPORATION,**

Plaintiff,

v.

**KARAOKE KANDY STORE, INC.,
et al.,**

Defendants.

CASE NO. 1:10 CV 990

JUDGE DONALD C. NUGENT

JUDGMENT

The above-captioned case came before this Court for a trial by jury. At the conclusion of the trial, the Jury returned a unanimous Answer to an Interrogatory in favor of Defendants, Karaoke Kandy Store, Inc. and Charles M. Polidori.

In its Complaint, Plaintiff Slep-Tone Entertainment Corp., asserted claims of trademark infringement under federal and Ohio law, unfair competition under federal law and violation of the Ohio Deceptive Trade Practices Act all based upon Defendants' alleged infringement of Plaintiff's "Sound Choice" trademarks.

The trial commenced on August 19, 2013. A Jury of twelve was duly impaneled and sworn pursuant to Fed. R. Civ. P. 39(c)(1). Opening statements of counsel were made. Plaintiff called the following witness(es): (1) Kurt Slep; and (2) Robert Shumaker. Court was then adjourned until August 20, 2013 at 8:15 a.m.

The trial continued on August 20, 2013. Plaintiff called the following witness(es): (3)

Jeff DeLeva; Defendants call witness: (1) Robert D. Martin (out of order); (3) Jeff DeLeva, continued; (4) Charles Polidori (on cross-examination). Court was then adjourned until August 21, 2013 at 8:15 a.m.

The trial continued on August 21, 2013. Plaintiff called the following witness(es): (4) Charles Polidori, continued. Defendants call the following witness(es): (2) James DeRoach; (3) Joseph Polidori, Sr.; (4) Charles Polidori. Defendants rested. Court was then adjourned until August 22, 2013 at 8:15 a.m.

The trial continued on August 22, 2013. Plaintiff called the following witness(es): (5) Steve Martel; (6); David Sems. Plaintiff rested. The Court instructs jury on the law. Closing arguments of counsel were made and the Court gave final instructions. Thereafter, the Jury retired to deliberate. The Jury, in open court, returned the following unanimous Answer to the Interrogatory:

INTERROGATORY NUMBER 1

Do you find that Plaintiff proved by a preponderance of the evidence that Defendants infringed on Plaintiff's trademark(s)?


NO (insert in ink "YES" or "NO" according to your findings)

The Court read the Interrogatory Answer in open court, and thereafter, the Court polled the Jury. Each Juror affirmatively responded to the correctness of the Answer. The Court accepted the Interrogatory Answer and the Jury was then discharged.

THEREFORE, based upon the Interrogatory Answer, and the evidence presented at trial, the Court enters Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure in favor of the

Defendants Karaoke Kandy Store, Inc. and Charles M. Polidori on Plaintiff's Complaint. All costs are to be paid by the Plaintiff.

IT IS SO ORDERED.



DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE

DATE: August 23, 2013